



YAXHAM PARISH COUNCIL

COMPLAINTS PROCEDURE

Reviewed and Adopted at the meeting of 22nd July 2021

1. Yaxham Parish Council is committed to providing a quality service for the benefit of the people who live or work in its area or are visitors to the locality. If you are dissatisfied with the standard of service you have received from this Council or are unhappy about an action or lack of action by this council, this Complaints Policy sets out how you may complain to the Council and how we shall try to resolve your complaint.
2. This Complaints Policy applies to complaints about council administration and procedures and may include complaints about how council employees have dealt with your concerns.
3. This Complaints Policy does not apply to:
 - a. Complaints by one council employee against another council employee. Or between a council employee and the council as an employer. These matters are dealt with under the council's disciplinary and grievance procedures.
 - b. Complaints against a councillor. Complaints against councillors are covered by the Code of Conduct for Members adopted by the council on 28th February 2019 and, if a complaint against a councillor is received by the council, it will be referred to the Monitoring Officer at Breckland Council. Further information on the process of dealing with complaints against councillors may be obtained from the Monitoring Officer at Breckland Council.
4. The appropriate time for influencing Council decision-making is by raising your concerns before the Council debates and votes on the matter. You may do this by writing to the Council in advance of the meeting at which the item is to be discussed. There may also be the opportunity to raise your concerns in the public participation section of Council meetings. If you are unhappy with the Council decision, you may raise your concerns with the Council, but Standing Orders prevent the Council from re-opening issues for six months from the date of the decision, unless there are exceptional grounds to consider this necessary and the special processes set out in the Standing Orders is followed.
5. You may make your complaint about the council's procedures or administration to the Clerk. You may do this in person, by phone, or by writing to or email the Clerk. The addresses and numbers are set out below.
6. Wherever possible, the Clerk will try to resolve your complaint immediately. If this is not possible, your complaint will be acknowledged within 72 hours.
7. If you do not wish to report your complaint to the Clerk, you may make your complaint directly to the Chairman of Yaxham Parish Council who will report your complaint to the Council.
8. The Clerk or the Council (as appropriate) will investigate each complaint, obtaining further information as necessary from you and/or from staff or members of the Council.

9. The Clerk or the Chairman will notify you within 20 working days of the outcome of your complaint and of what action (if any) the Council proposes to take as a result of your complaint. (In exceptional cases the 20 working days timescale may have to be extended. If it is, you will be kept informed).
10. If you are dissatisfied with the response to your complaint, you may ask for your complaint to be referred to the full Council and, usually within eight weeks, you will be notified in writing of the outcome of the review of your original complaint.
11. Abusive, persistent and vexatious complaints

The Parish Council is committed to providing a high quality service to all residents. The complaints procedure outlined above is how the Council should react when a complaint from a resident is registered.

There is also the expectation that residents will be courteous and considerate when communicating with the Council and there may be occasions where a resident will persist in their cause beyond that which is reasonable.

Whenever a complaint (defined as an expression of dissatisfaction) has been received which has been investigated previously and replied to, this will be deemed vexatious. Vexatious will be defined as manifestly unjustified, inappropriate and has no reasonable foundation and/or is likely to cause a disproportionate or unjustified level of disruption, irritation or distress to Parish Councillors or the Parish Clerk.

Parish Councillors and Clerk cannot be expected to tolerate unacceptable behaviour that is abusive, offensive or threatening. This will include

Using abusive, aggressive and/or foul language in any form of communication

Sending multiple letters or emails

Leaving multiple voice-mails

Parish Councillors and Clerk will be protected from such behaviour.

Complaints will be deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- Persist in pursuing a complaint where it has been fully investigated and full action has been taken within the Parish Council's procedures but the complainant will not acknowledge or accept this:
- Make unreasonable demands or expectations and fail to recognise that these are unreasonable:
- Complainants have threatened a Parish Council, Councillor or Parish Clerk;
- Have harassed or been personally abusive or verbally aggressive towards Parish Councillors or Clerk dealing with the complaint; this includes the use of foul or inappropriate language:

- Changes the main issue of the complaint or continually raises new issues, especially when the original complaint is/has been addressed;
- Are unwilling to accept documented evidence to support an adequate response:
- Have caused persistent offence to a Parish Councillor or Clerk
- Raises repeat issues that have already been fully addressed:
- Continues to challenge the Parish Council for alleged wrong-doing without any cogent basis to do so:
- Is pursuing a trivial or highly personalised matter of little benefit to the residents of the parish:
- Pursuing a personal grudge:
- Unreasonable persistence:
- Unfounded accusations:
- Intransigence:
- Frequent or overlapping complaints, requests or communications:
- Deliberate intention to cause annoyance:
- Disproportionate effort is required to deal with a trivial matter:
- Futile and frivolous requests:
- Tone or content of the communication which is objectionable, and especially if relating to discrimination by race, ethnic origin, religion, gender, sexual orientation or disability.

Discretion will be used in applying the above criteria to identify persistent or vexatious complaints/complainants and in deciding the appropriate action to be taken.

Where complainants have been identified as persistent or vexatious in accordance with the above criteria, the Parish Council will consider whether it wishes to suspend all contact with the complainant.

The Parish Council may decide to deal with the complainant in one or more of the following ways

1. Specify how future contact will be maintained between the Council and the complainant
2. Notify the complainant that the Parish Council has fully responded to all issues and that continuing contact on the same matters will serve no purpose
3. Notify the complainant that continual changes in the nature of the complaint/s will be dealt with as in the paragraph above
4. Notify the complainant in writing that they have been considered persistent or vexatious and that this sanction has been invoked as a last resort in order to conclude the matters.
5. Any further communication from the complainant will be unacknowledged by the Parish Clerk and/or Chairman of the Parish Council but may be discussed at a future Parish Council meeting

The Parish Council will consider seeking legal and professional advice as appropriate, and reserves the right if all else fails to bring matters to a close to consider legal action against a vexatious complainant, particularly in order to discharge its duty of care to an employee.

The Clerk of Yaxham Parish Council

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The Chairman of Yaxham Parish Council

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